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37123 7590 08/13/2007 FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE SUITE 1600 CHICAGO, IL 60603			EXAMINER LIN, ANDY C	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/820,338

Applicant(s)

ENDLER ET AL.

Examiner

Andy C. Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-6, 8-12, 15-17, 20, and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. US 2003/0140090 A1 to *Rezvani et al.* in view of Patent No. 7,068,309 B2 to *Toyama et al.*

As for **claims 1 and 15** *Rezvani et al.* discloses an invention that provides [systems and methods for automatically capturing content, uploading the content to a remote site, associating the content with a user, and publishing content for access by a user] (Paragraph 0008, lines 3-6) and that if [desired, the content may be made available to only a user or users associated with the content], where [in one approach, one or more users may be associated with device] and that [content captured by device may be published to multiple user accounts] (Paragraph 0073, lines 5-9), from this we see that content is received by capturing and is shown to either one user or a plurality of users. *Rezvani et al.* also discloses that [client device may be a computer, a personal digital assistant (PDA), a terminal, a set-top box, or any other suitable device that provides access to remote site via communications network] and that the [client device

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may run a client application that provides locally generated displays propagated with a format obtained using any suitable client-server or peer-to-peer scheme] (Paragraph 0034), so from this we see that the content is shown on a display device, such as a personal digital assistant.

Now what remains is creating profile information associated with the content, receiving a vote on the content, and updating the profile information associated with the content to reflect the vote. *Rezvani et al.* describes that [content may be wrapped with metadata that instructs the remote site how and what to do with the captured content] and that [the metadata may include an indication of a user, the device that captured the data, an associated monitoring module, or any other aspect of an installation] and also [the remote site may associate the captured content with the user or the user's account based on the metadata] (Paragraph 0074). What is described is a profile of the captured content with information regarding technical aspects and user aspects as *Endler et al.* also describes that [in one embodiment, the record is stored as metadata for the corresponding content] where record was earlier described as [an exemplary record identifying profile information corresponding to a particular piece of content] (Paragraph 0043). Now *Toyama et al.* talks about a system and method for sharing images with many other users, and in this system and method is also a metadata that is associated with the content being shared and there is [one field of metadata, the user rating] that [allows the user to rate each image cited in a search to indicate how accurately it matched their search criteria] and [this data is memorialized, added to the photos' metadata, and is used to weight their relevance in future searches] (Column 14,

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lines 18-24). This shows the ability of voting on the content and updating the profile information, the metadata, associated with the content to reflect the vote.

It is obvious to one of ordinary skill in the art to apply what *Toyama et al.* teaches onto the invention of *Rezvani et al.* not only to images but any content since the motivation as described by *Toyama et al.* of weighting relevancy in searching content (Column 14, line 24) is useful regardless of what the content is since by giving weight to relevancy we can sort the relevancy and improve search results. *Rezvani et al.* and *Toyama et al.* are analogous arts because both involve a system and method of sharing contents with multiple users.

As for **claim 2**, *Rezvani et al.* discusses that [in some embodiments of the present invention, content may be captured and uploaded to remote site without using persistent storage in client device], yet [in some embodiments, content may also be persistently stored as a back up if, for example, the upload transmission of content by client device fails] and [in other embodiments, content may be stored persistently and then transmitted] (Paragraph 0073). And as discussed in the rejection to claim 1, *Rezvani et al.* describes that [content may be wrapped with metadata that instructs the remote site how and what to do with the captured content] and that [the metadata may include an indication of a user, the device that captured the data, an associated monitoring module, or any other aspect of an installation] and also [the remote site may associate the captured content with the user or the user's account based on the metadata] (Paragraph 0074). As discussed the metadata is a profile and the content is

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wrapped with the metadata and is thus stored persistently along with the content in order for the content stored for backup to also be wrapped with metadata.

As for **claims 3, 4, 5, 6, 8, 9, 10, and 11**, *Rezvani et al.* discusses that [the content may be any suitable content such as, for example, video, audio, pictures, data, or any other suitable content] and that [the content may be captured by any suitable capture device, such as a video or still camera, microphone, thermometer, scanner, fax, rain gauge, or any other suitable device or appliance for capturing content] (Paragraph 0101). It is known that a microphone is an audio recorder and that a digital camera is a still camera. *Rezvani et al.* further emphasizes that [still pictures may be stored, for example, as .tif files and presented as thumbnail or full-size displays] and that [video may be stored, for example, as .mpg files] and that [video may also be streamed when provided in real time] (Paragraph 0103, lines 7-13). From this we see that the captured pictures are digital images and so the still camera disclosed would have to be a digital camera, furthermore it is disclosed in the background of the invention that the inventors are aware of prior art that capture content that uses digital cameras (Paragraph 0003).

As for **claim 12**, as stated in the rejection to claim 1, *Toyama et al.* talks about a system and method for sharing images with many other users, and in this system and method is also a metadata that is associated with the content being shared and there is [one field of metadata, the user rating] that [allows the user to rate each image cited in a search to indicate how accurately it matched their search criteria] and [this data is memorialized, added to the photos' metadata, and is used to weight their relevance in future searches] (Column 14, lines 18-24). The motivation to apply what *Toyama et al.*

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teaches to the invention of *Rezvani et al.* is the same motivation used in the rejection to claim 1.

As for **claim 16** *Rezvani et al.* discloses an invention that provides [systems and methods for automatically capturing content, uploading the content to a remote site, associating the content with a user, and publishing content for access by a user] (Paragraph 0008, lines 3-6) and that if [desired, the content may be made available to only a user or users associated with the content], where [in one approach, one or more users may be associated with device] and that [content captured by device may be published to multiple user accounts] (Paragraph 0073, lines 5-9), from this we see that content is received by capturing and is shown to either one user or a plurality of users. *Rezvani et al.* also discloses that [client device may be a computer, a personal digital assistant (PDA), a terminal, a set-top box, or any other suitable device that provides access to remote site via communications network] and that the [client device may run a client application that provides locally generated displays propagated with a format obtained using any suitable client-server or peer-to-peer scheme] (Paragraph 0034), so from this we see that the content is shown on a display device, such as a personal digital assistant.

Now what remains is identifying content, creating profile information associated with the content, receiving a vote on the content from each of the plurality of viewers, determining a rating value for the content based on the vote, and displaying the content to the plurality of viewers based on the rating value of the content. *Rezvani et al.* describes that [content may be wrapped with metadata that instructs the remote site

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how and what to do with the captured content] and that [the metadata may include an indication of a user, the device that captured the data, an associated monitoring module, or any other aspect of an installation] and also [the remote site may associate the captured content with the user or the user's account based on the metadata]

(Paragraph 0074), furthermore it is stated that there are [metadata elements – identification, content, and event name – which may be translated and executed]

(Paragraph 0085), which means the metadata provides identification of the content.

What is described is a profile of the captured content with information regarding technical aspects and user aspects as *Endler et al.* also describes that [in one embodiment, the record is stored as metadata for the corresponding content] where record was earlier described as [an exemplary record identifying profile information corresponding to a particular piece of content] (Paragraph 0043). Now *Toyama et al.* talks about a system and method for sharing images with many other users, and in this system and method is also a metadata that is associated with the content being shared and there is [one field of metadata, the user rating] that [allows the user to rate each image cited in a search to indicate how accurately it matched their search criteria] and [this data is memorialized, added to the photos' metadata, and is used to weight their relevance in future searches], [the hope is that over the long-term, an image that is mislabeled will eventually get several low votes] and that [the low score will then come to the attention of the image's owner, and he will correct it] (Column 14, lines 18-26).

This shows the ability of voting on the content by the plurality of users the content is being shared with and updating the profile information, the metadata, associated with



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the content to reflect the vote. It also mentions a low score being generated from several low votes, which shows the ability of determining a rating value for the content based on the vote. As for displaying the content to the plurality of viewers based on the rating value of the content it is stated that the data of the vote on the content is used to [weight their relevance in future searches] (Column 14, line 24).

It is obvious to one of ordinary skill in the art to apply what *Toyama et al.* teaches onto the invention of *Rezvani et al.* not only to images but any content since the motivation as described by *Toyama et al.* of weighting relevancy in searching content (Column 14, line 24) is useful regardless of what the content is since by giving weight to relevancy we can sort the relevancy and improve search results. *Rezvani et al.* and *Toyama et al.* are analogous arts because both involve a system and method of sharing contents with multiple users.

As for **claim 17** refer to rejection to claim 16, *Toyama et al.* discloses the use of [another field of metadata, the usage statistics,] which can include [how relevant the image was found to be to a particular search] (Column 14, lines 29-34). In the rejection to claim 16, the metadata of user rating from each of the plurality of viewers was used to determine relevancy to searches, now usage statistics is storing that relevancy to searches in the metadata, the profile of our content. The user rating is the equivalent of the vote, and the relevancy to searches is the equivalent of rating value for the content based on the vote. As new votes come in the relevancy data is changed and thus the profile's usage statistics field is updated to reflect the new relevancy or rating value.

*Rezvani et al.* and *Toyama et al.* are analogous arts because both involve a system and method of sharing contents with multiple users. The same motivation used in the rejection of claim 16 is applied to the rejection of claim 17.

As for **claim 20**, *Rezvani et al.* discusses that [in some embodiments of the present invention, content may be captured and uploaded to remote site without using persistent storage in client device], yet [in some embodiments, content may also be persistently stored as a back up if, for example, the upload transmission of content by client device fails] and [in other embodiments, content may be stored persistently and then transmitted] (Paragraph 0073). And as discussed in the rejection to claim 16, *Rezvani et al.* describes that [content may be wrapped with metadata that instructs the remote site how and what to do with the captured content] and that [the metadata may include an indication of a user, the device that captured the data, an associated monitoring module, or any other aspect of an installation] and also [the remote site may associate the captured content with the user or the user's account based on the metadata] (Paragraph 0074). As discussed the metadata is a profile and the content is wrapped with the metadata and is thus stored persistently along with the content in order for the content stored for backup to also be wrapped with metadata.

As for **claim 25** refer to similar rejection to claim 16, whereas the only difference is the method as described in claim 16 is now performed by written computer executable instructions on a computer-readable medium. *Rezvani et al.* discusses the use of software applications [created using any suitable platform and/or software development tools] and that [other suitable development tools may be used in preparing

any other software modules or applications for use in any other suitable facet of the present invention] (Paragraph 0038). And it is obvious to one of ordinary skill in the art that these software must be stored in some computable readable medium to be used, whether removable or not removable, whether volatile or not volatile, whether local or stored on a server. Furthermore, *Toyama et al.* discloses the idea of their invention may be [in the general context of computer-executable instructions, such as program modules, being executed by a computer] (Column 8, lines 7-9) and that [computer typically includes a variety of readable media] and that [computer storage media includes both volatile and nonvolatile, removable and non-removable media implemented in any method of technology for storage of information such as computer readable instructions] (Column 8, lines 35-45).

*Rezvani et al.* and *Toyama et al.* are analogous arts because both involve a system and method of sharing contents with multiple users. Since *Rezvani et al.* clearly uses computers and the Internet and talks about using web pages and web programming languages and writing applications using programming languages for certain parts of their invention and saying that it can be also done for other parts of their invention, a motivation of putting the instructions in a computer readable medium would be in order to use the instructions, for it is well known by one of ordinary skill in the art that computers execute instructions off of computer readable mediums. Even so a motivation to use the idea taught by *Toyama et al.* would be to [store the desired information and which can be accessed by computer] as described by *Toyama et al.* (Column 8, lines 51-52).

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3. **Claim 7** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. US 2003/0140090 A1 to *Rezvani et al.* in view of Patent No. 7,068,309 B2 to *Toyama et al.* as applied to claim 1 above, and further in view of Publication No. US 2002/0065678 A1 to *Peliotis et al.*

As for **claim 7**, refer to rejection to claim 1, and as *Peliotis et al.* discloses that their [invention may therefore comprise a method of selecting and excluding video segments in a video stream to be viewed by a viewer comprising: placing markers in the video stream that indicate the position of a division between the video segments of the video stream; placing tags in the video stream that indicate content of each video stream; using video preference information of the viewer to select and exclude video segments by comparing the tags with the video preference information of the viewer; inserting alternate video segments that replace video segments that have been excluded by the viewer] (Paragraph 0008). The markers are therefore used to identify a separate piece of video segment or content within the video stream or multiple pieces of content, and the tags are used to describe the individual contents.

*Peliotis et al.* and *Rezvani et al.* are analogous art because both involve the broadcasting of video to many users. It is obvious to one of ordinary skill in the art to apply the teachings of *Peliotis et al.* to *Rezvani et al.* for the motivation as described by *Peliotis et al.* of allowing the viewer [the ability to select video segments based on content] (Paragraph 0006) so that they would not have to view [content that is not

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desired to be viewed], but rather focus on content that the viewer desires (Paragraph 0005).

4. **Claims 13 and 14** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. US 2003/0140090 A1 to *Rezvani et al.* in view of Patent No. 7,068,309 B2 to *Toyama et al.* as applied to claim 12 above, and further in view of Patent No. 7,028,323 B2 to *Franken et al.*

As for **claims 13 and 14**, refer to rejection to claim 12, and as *Franken et al.* discloses a system for delivering rerun digital programming where the [programming list and viewing monitor or video recorder could compare the rankings or "ratings" of each of the programs to a threshold level], where [if the show has sufficiently high ranking or ratings, then it could be selected to be recorded by video recorder] (Column 4, lines 21-26). In *Franken et al.*'s invention, the rating value is being compared to a predetermined value rating threshold; and then there is a ranking which would be based upon the comparison of the rating values, the higher the rating the higher ranked it would be and be selected to be recorded by the video recorder to be displayed.

*Franken et al.* and *Toyama et al.* are analogous art because both involve solving the endeavor of sorting multiple contents in a relevant fashion and both involve obtaining user ratings. It is obvious to one of ordinary skill in the art to apply the teachings of *Franken et al.* to *Toyama et al.* for the motivation as described by *Franken et al.* to [regulate recording, retention, or delivery of rerun programs to consumers] which is

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obvious to one of ordinary skill in the art that this system of regulation could be applied to all content and not limited to simply rerun programs (Column 4, lines 14-15).

5. **Claims 18 and 19** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. US 2003/0140090 A1 to *Rezvani et al.* in view of Patent No. 7,068,309 B2 to *Toyama et al.* as applied to claim 16 above, and further in view of Patent No. 7,054,827 B1 to *Lautzenheiser et al.*

As for **claims 18 and 19**, refer to rejection to claim 16, and as *Lautzenheiser et al.* discloses a method and apparatus for validating a survey database and identifying portions of the survey database that are potentially problematic with the idea of checking [the number of responses for selected answers in the survey database to ensure that corresponding user requests are based on a statistically significant sample size, or the user is notified otherwise] (Column 32, lines 7-11). The number of responses for selected answers is the same as the number of viewers submitting the vote and a statistically significant sample size is the same as a predetermined minimum number of votes, since a voting poll on the popularity or relevance of content is simply a survey on the popularity or relevancy of the content.

*Lautzenheiser et al.* and *Toyama et al.* are analogous art because both involve solving the endeavor of relevancy and getting rid of irrelevant results, both involve taking surveys in the form of user ratings or other responses. It is obvious to one of ordinary skill in the art to apply the teachings of *Lautzenheiser et al.* to *Toyama et al.* for the motivation as described by *Lautzenheiser et al.* of not misleading the user of the

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result when [results may be based on a statistically insignificant sample size, thereby misleading the user] (Column 2, lines 17-20).

6. **Claims 21-24** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. US 2003/0140090 A1 to *Rezvani et al.* in view of Patent No. 7,068,309 B2 to *Toyama et al.*, and further in view of Publication No. US 2002/0065678 A1 to *Peliotis et al.*

As for **claim 21**, *Rezvani et al.* discloses an invention that provides [systems and methods for automatically capturing content, uploading the content to a remote site, associating the content with a user, and publishing content for access by a user] (Paragraph 0008, lines 3-6) and that if [desired, the content may be made available to only a user or users associated with the content], where [in one approach, one or more users may be associated with device] and that [content captured by device may be published to multiple user accounts] (Paragraph 0073, lines 5-9). *Rezvani et al.* discloses that [in one embodiment of the present invention, user node may include a client device that may be connected to communications network] that client device may be a computer or a personal digital assistant and [may include, for example, an Internet browser application that may be used to access web pages via communications network] (Paragraph 0034).

As for the storage module to store the content and a profile information associated with the content, *Rezvani et al.* discusses that [in some embodiments of the present invention, content may be captured and uploaded to remote site without using

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persistent storage in client device], yet [in some embodiments, content may also be persistently stored as a back up if, for example, the upload transmission of content by client device fails] and [in other embodiments, content may be stored persistently and then transmitted] (Paragraph 0073). And as discussed in the rejection to claim 1, *Rezvani et al.* describes that [content may be wrapped with metadata] (Paragraph 0074). As discussed the metadata is a profile, *Endler et al.* also describes that [in one embodiment, the record is stored as metadata for the corresponding content] where record was earlier described as [an exemplary record identifying profile information corresponding to a particular piece of content] (Paragraph 0043), and the content is wrapped with the metadata and is thus stored persistently along with the content in order for the content stored for backup to also be wrapped with metadata.

As for the content identification module to detect content, as *Peliotis et al.* discloses that their [invention may therefore comprise a method of selecting and excluding video segments in a video stream to be viewed by a viewer comprising: placing markers in the video stream that indicate the position of a division between the video segments of the video stream; placing tags in the video stream that indicate content of each video stream; using video preference information of the viewer to select and exclude video segments by comparing the tags with the video preference information of the viewer; inserting alternate video segments that replace video segments that have been excluded by the viewer] (Paragraph 0008). The markers are therefore used to identify a separate piece of video segment or content within the video



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stream or multiple pieces of content, and the tags are used to describe the individual contents.

*Peliotis et al.* and *Rezvani et al.* are analogous art because both involve the broadcasting of video to many users. It is obvious to one of ordinary skill in the art to apply the teachings of *Peliotis et al.* to *Rezvani et al.* for the motivation as described by *Peliotis et al.* of allowing the viewer [the ability to select video segments based on content] (Paragraph 0006) so that they would not have to view [content that is not desired to be viewed], but rather focus on content that the viewer desires (Paragraph 0005).

As for the interface module for receiving the content and transmitting the content based on the profile information corresponding to the content *Rezvani et al.* describes that [content may be wrapped with metadata that instructs the remote site how and what to do with the captured content] and that [the metadata may include an indication of a user, the device that captured the data, an associated monitoring module, or any other aspect of an installation] and also [the remote site may associate the captured content with the user or the user's account based on the metadata] (Paragraph 0074). Now *Toyama et al.* talks about a system and method for sharing images with many other users, and in this system and method is also a metadata that is associated with the content being shared and there is [one field of metadata, the user rating] that [allows the user to rate each image cited in a search to indicate how accurately it matched their search criteria] and [this data is memorialized, added to the photos' metadata, and is used to weight their relevance in future searches], [the hope is that over the long-term,

an image that is mislabeled will eventually get several low votes] and that [the low score will then come to the attention of the image's owner, and he will correct it] (Column 14, lines 18-26). This shows the content being received and transmitted based on the profile information corresponding to the content in the form of search results, since it is stated that the data of the vote on the content is used to [weight their relevance in future searches] (Column 14, line 24).

As for the content rating module that receives a rating value from a viewer for the content and updates the profile information associated with the content, *Toyama et al.* discloses the use of [another field of metadata, the usage statistics,] which can include [how relevant the image was found to be to a particular search] (Column 14, lines 29-34). The metadata of user rating from each of the plurality of viewers was used to determine relevancy to searches, now usage statistics is storing that relevancy to searches in the metadata, the profile of our content. As new votes come in the relevancy data is changed and thus the profile's usage statistics field is updated to reflect the new relevancy or rating value.

It is obvious to one of ordinary skill in the art to apply what *Toyama et al.* teaches onto the invention of *Rezvani et al.* not only to images but any content since the motivation as described by *Toyama et al.* of weighting relevancy in searching content (Column 14, line 24) is useful regardless of what the content is since by giving weight to relevancy we can sort the relevancy and improve search results. *Rezvani et al.* and *Toyama et al.* are analogous arts because both involve a system and method of sharing contents with multiple users.

As for **claim 22**, *Rezvani et al.* discusses that [the content may be any suitable content such as, for example, video, audio, pictures, data, or any other suitable content] and that [the content may be captured by any suitable capture device, such as a video or still camera, microphone, thermometer, scanner, fax, rain gauge, or any other suitable device or appliance for capturing content] (Paragraph 0101). It is known that a microphone is an audio recorder and that a digital camera is a still camera. *Rezvani et al.* further emphasizes that [still pictures may be stored, for example, as .tif files and presented as thumbnail or full-size displays] and that [video may be stored, for example, as .mpg files] and that [video may also be streamed when provided in real time] (Paragraph 0103, lines 7-13). From this we see that the captured pictures are digital images and so the still camera disclosed would have to be a digital camera, furthermore it is disclosed in the background of the invention that the inventors are aware of prior art that capture content that uses digital cameras (Paragraph 0003).

As for **claims 23 and 24**, as was discussed in the rejection to claim 21 votes are submitted and searches are performed on content, but furthermore *Toyama et al.* teaches that for the search [the query is sent to the central server] and [the central server sends the search results to the client including (in any combination) the metadata of each image, a thumbnail view of each image, each image's relevancy score to the current query and whether the owner of the image is on the network, and if not when they last connected] (Column 15, lines 25-40). The central server is the rendering module in this case, it formats the content in thumbnail view and give other information,

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and part of the format is the relevancy score which is dependent on the rating value associated with the content.

It is obvious to one of ordinary skill in the art to apply what *Toyama et al.* teaches onto the invention of *Rezvani et al.* for the motivation described by *Toyama et al.* which is to [search for photos meeting the desired criteria] (Column 15, lines 27-28). By formatting the search based on the relevancy, also known as the user rating, we can search for content that better meets the desired criteria, and it is obvious to one of ordinary skill in the art to apply this concept to all types of content since it is applicable and useful for all content types and not just those of photos.

### ***Conclusion***

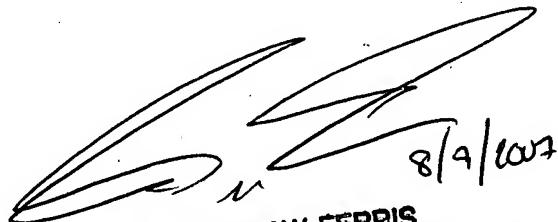
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy C. Lin whose telephone number is (571) 274-3310. The examiner can normally be reached on Monday-Friday:7:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on (571) 272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/ACL/



8/4/07

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